

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RE: Jason E. Rennegarbe,)	
)	CASE NO. 09-45254-399
Debtor)	Chapter 13
)	
_____)	
Jason E. Rennegarbe,)	Adversary No. 10-04321-399
)	
Plaintiff,)	Notice of Hearing and
v.)	Motion for Default Judgment
)	
US Bank NA ND,)	
)	Court Date: December 15, 2010
)	Court Time: 9:00 a.m.
Defendant.)	Location: 5North

**NOTICE OF HEARING AND
MOTION FOR DEFAULT JUDGMENT**

To:

US Bank
Attn: Richard Davis, CEO
800 Nicollet Mall
Minneapolis, MN 55402

PLEASE TAKE NOTICE, that the *Amended* Motion for Default Judgment will be called for hearing on the above referenced date and time before the Honorable Barry S. Schermer, in United States Bankruptcy North Courtroom, 111 S. 10th St., 5th Floor, St. Louis, MO 63102, on the 15th day of December, 2010 at 9:00 a.m. or as soon thereafter as counsel may be heard.

WARNING: Any response or objection must be filed with the Court with a copy promptly served upon the undersigned. Failure to file a response may result in the Court granting the relief requested without further notice or hearing.

COMES NOW Plaintiff, Jason E. Rennegarbe, by and through the undersigned counsel, and for this Amended Motion for Default Judgment pursuant to Federal Rule of Bankruptcy Procedure 7055 and Rule 55 of the Federal Rules of Civil Procedure, states to the Court as follows:

1. On or about July 26, 2010, Plaintiff filed the instant Adversary Complaint pursuant to 11 U.S.C. Sections 1322, 1327 and 506.

2. On July 28, 2010, the Clerk of the Bankruptcy Court for the Eastern District of Missouri, Eastern Division, issued a Summons and Notice of Trial in an Adversary Proceeding (“Summons”) which required Defendant to serve on Plaintiff’s counsel a motion or answer to the Complaint within 30 days of the date of issuance of the Summons.

3. On July 29, 2010, Plaintiff served Defendant with a copy of the Summons and a copy of the Adversary Complaint by the United States Postal Service, via First Class Mail, postage prepaid, as permitted by Federal Rule of Bankruptcy Procedure 7004(b).

4. On September 21, 2010, the Clerk of the Bankruptcy Court for the Eastern District of Missouri, Eastern Division, issued an *Alias* Summons and Notice of Trial in an Adversary Proceeding (“Summons”) which required Defendant to serve on Plaintiff’s counsel a motion or answer to the Complaint within 30 days of the date of issuance of the *Alias* Summons.

5. On September 24, 2010, Plaintiff served Defendant with a copy of the *Alias* Summons and a copy of the Adversary Complaint by the United States Postal Service, via *Certified* First Class Mail, postage prepaid, as permitted by Federal Rule of Bankruptcy Procedure 7004(b).

6. Over 30 days has passed since the date of the issuance of the *Alias* Summons and Counsel has received the Return Receipt for the certified mailing, bearing a signature of receipt dated September 29, 2010.

7. Defendant has not filed a motion or answer requesting an extension of time to plead or filed any other pleading in response to the Adversary Complaint.

8. On November 15, 2010, Plaintiff has requested the Clerk of the Court to enter a second default against Defendant for failure to answer or otherwise respond to the Adversary Complaint. On November 15, 2010, the Clerk of the Court entered the Second Entry of Default.

9. Defendant is not engaged in the military service of the United States and is not an infant or incompetent to the best of Plaintiff's knowledge.

WHEREFORE, Plaintiff prays this Honorable Court make and enter its Order releasing the lien in the form of Deed of Trust attaching to the Plaintiff's Real Property described in the Complaint upon granting of a discharge pursuant to U.S.C. Section 1328(a), and granting such other and further relief as the Court deems just and proper.

Respectfully Submitted
THE BANKRUPTCY COMPANY

/s/ David N. Gunn

David N. Gunn, #54880MO
Robert J. Lawson, #51935MO
Samuel E. Shepley, #0051563FL
1600 S. Brentwood Blvd., Ste. 725
St. Louis, MO 63144
Tel: 314-961-9822
Fax: 314-961-9825
stlouis@tbcwam.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was served on the following by ordinary mail, postage prepaid, on this 15th day of November, 2010:

/s/ Melissa M. Collins

Melissa M. Collins

US Bank
Attn: Richard Davis, CEO
800 Nicollet Mall
Minneapolis, MN 55402